


7:22-MJ-074PROB 12C
(7/93)**UNITED STATES DISTRICT COURT****FILED**

for

MAR 22 2022

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY**Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: Carlos Gustavo Tovar Case Number: 2:20-CR-00248(1)-ILLName of Sentencing Judicial Officer: Honorable Ivan L.R. Lemelle, Senior United States District JudgeDate of Original Sentence: September 21, 2020Original Offense: Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. § 1324Original Sentence: 12 months imprisonment followed by a 3 year term of supervised releaseType of Supervision: Supervised Release Date Supervision Commenced: January 4, 2021Assistant U.S. Attorney: Joshua Bryan Banister Defense Attorney: Rogelio Martin Munoz (Appointed)**PREVIOUS COURT ACTION**

None.

A true copy of the original, I certify,
Clerk U.S. District Court**PETITIONING THE COURT**By  Deputy

- ☒ The issuance of a warrant
☐ The issuance of a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

- | <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--|
| 1. | Special Condition: The defendant shall abstain from the use of alcohol and any and all other intoxicants. |
| 2. | Mandatory Condition No. 2: The defendant shall not unlawfully possess a controlled substance. |
| 3. | Mandatory Condition No. 3: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court) for the use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.

On June 28, 2021, the offender submitted a urine specimen which subsequently tested positive for cocaine. The offender admitted to the illicit drug use. |
| 4. | Special Condition: The defendant shall abstain from the use of alcohol and any and all other intoxicants. |

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5. **Special Condition: The defendant shall submit to substance abuse testing to determine if the defendant has used a prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing if financially able.**
6. **Mandatory Condition No. 1: The defendant shall not commit another federal, state, or local crime during the term of supervision.**
7. **Mandatory Condition No. 2: The defendant shall not unlawfully possess a controlled substance.**
8. **Mandatory Condition No. 3: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court) for the use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.**

On March 9, 2022, the offender reported for his drug test as instructed by the probation officer. Prior to submitting his urine specimen, the offender denied using any controlled substances. During collection of the urine specimen, the probation officer observed the offender using a device, specifically a Whizzinator, in an attempt to falsify his urine specimen. Upon being confronted, the offender admitted to the collecting probation officer to trying to tamper with his urine sample because he recently used cocaine. By those actions, the offender violated 18 U.S.C. § 1512(b) and (c)(1) by engaging in misleading conduct to alter, destroy, mutilate or conceal a record, document or other object or attempt to do so with the intent to impair the object's integrity or availability for use in an official proceeding.

9. **Mandatory Condition No. 7: If the judgment imposes a fine or restitution, it is a condition of supervision that defendant pay in accordance with the Schedule of Payments sheet of the judgment.**

The offender has willfully failed to pay the fine. He was ordered to pay \$50 per month beginning 60 days after his release from incarceration. The offender has made three payments towards his fine since the commencement of his supervised release, resulting in a delinquent balance of \$350. As of the writing of this report, the outstanding fine balance is \$800.

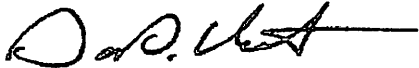
U.S. Probation Officer Recommendation: The offender commenced his term of supervision on January 4, 2021. In June 2021, the offender used cocaine, and to avoid another positive drug test, he made the poor decision to tamper with his recent drug test. Furthermore, the offender has made minimal effort to pay his fine. It is evident by his noncompliance and disregard for the instructions set by the Court that the offender is not willing to comply with the conditions of his judgment.

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The term of supervision should be

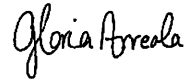
- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release)
- ☐ extended for _____ years for a total term of _____ years

Approved by:



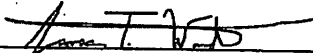
Darren P. Kohut
Supervising U.S. Probation Officer

Respectfully submitted by:



Gloria Arreola
U.S. Probation Officer
Telephone: (830) 703-2089, ext. 6377
Date: March 15, 2022

Approved:

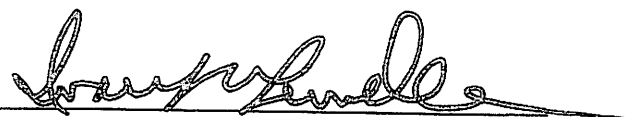


James T. Ward
Supervisory Assistant U.S. Attorney

cc: Javier Cenicerros
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a WARRANT. Bond is set in the amount of \$ DETAIN cash/surety with supervision by the United States Probation Office to continue as a condition of release.
- ☐ The issuance of a SUMMONS.
- ☐ Other _____



Honorable Ivan L.R. Lemelle
Senior United States District Judge

3/22/22

Date

883162

UNITED STATES DISTRICT COURT

for the
Western District of Texas

United States of America

v.

CARLOS GUSTAVO TOVAR

Defendant

Case No. DR-20-CR-0248 (01)

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) CARLOS GUSTAVO TOVAR,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

PLEASE SEE ATTACHMENT

U.S. MARSHALS W/TX
RECEIVED

MAR 23 2022

DEL RIO, TX

A true copy of the original, I certify,
Clerk U.S. District CourtBy:  DeputyDate: 03/22/2022

Issuing officer's signature

J.A. Ward, Operations Specialist

Printed name and title

City and state: Del Rio, Texas

U.S. District Judge Ivan L. Lemelle

Judicial Officer's Name

Bail fixed at \$: NO BOND

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title